

CHAPTER 10-01. TITLE, PURPOSE, AND JURISDICTION

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DIVISION 10-01-001. SHORT TITLE**10-01-001-0001. SHORT TITLE:**

- A. This Title of the Flagstaff City Code shall be known and may be cited as "The City of Flagstaff Land Development Code," or "the Zoning Code," except as referred to herein, where it shall be known as "this Ordinance" or "these regulations."
- B. The zoning map which is a part of this Ordinance shall be known as "The City of Flagstaff Official Zoning Map." Said Zoning Map shall be identified by the approving signatures of the Mayor and the City Council and shall be on file in the office of the Planning Director. Said Zoning Map has been heretofore examined by the Mayor and the City Council and is hereby made a part of this Title.
- C. This Title and the Zoning Map shall be subject to change from time to time as may be determined by the City Council.

DIVISION 10-01-002. LEGISLATIVE INTENT**10-01-002-0001. LEGISLATIVE INTENT:**

- A. In adopting these regulations, it is the intent of the City of Flagstaff to protect and promote the public health, safety, convenience, and general welfare of the citizens of the City of Flagstaff; to provide for the orderly growth and development of the City; to classify, regulate, and segregate the uses of lands and buildings; to regulate the height and bulk of buildings; to regulate the area of yards and open spaces around buildings, and to regulate the density of population.
- B. This Ordinance is adopted pursuant to the requirements and authority granted to the City of Flagstaff by the Arizona Constitution, Article XIII, and Arizona Revised Statutes, Title 9, Chapter 4, Article 6 et seq. in order to carry out the purposes stated therein.

DIVISION 10-01-003. PURPOSE**10-01-003-0001. PURPOSE:**

- A. The purpose of this Ordinance is to further the legislative intent by gathering together and organizing all the

regulations for the development of land within the jurisdiction of the City of Flagstaff. These regulations shall be in a form which is comprehensive, straightforward, and easily understood and usable both by those who wish to develop land and by those who will be responsible for assuring that the development of land within Flagstaff proceeds in the prescribed logical and legal manner.

- B. The purpose of this Ordinance is also the implementation of the adopted general plan of the City of Flagstaff, known as the Growth Management Guide: 2000 and amendments thereto by accomplishing the following purposes. Each purpose listed below serves to balance the interests of the general public of the City and those of individual property owners.

1. LAND USE PATTERNS.

- a. Establishing a rational pattern of land use and encouraging the most appropriate use of individual pieces of land throughout the City.
- b. Dividing the City into districts according to the use of land and buildings, the intensity of such use (including bulk and height), and the surrounding areas.
- c. Providing suitable transitions between areas of different land use intensities.
- d. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
- e. Securing adequate natural light, clean air, privacy, convenient and safe access to property, and a safe environment.
- f. Limiting the bulk, scale, and density of new structures and additions to existing structures to preserve the desired character of the neighborhoods and the community.
- g. Encouraging quality, attractive, and marketable development.

2. NATURAL RESOURCES.

- a. Preserving and protecting the City's natural resources, including floodplains, steep slopes, and forests.
- b. Avoiding or lessening the hazards of flooding and stormwater accumulation and runoff.

3. PUBLIC INFRASTRUCTURE.

- a. Creating an environment that is safe from fire, flood, and other dangers.
- b. Protecting the tax base by facilitating cost-effective development within the City.
- c. Encouraging the most efficient use of existing and planned water and sewer systems, transportation, schools, parks, and other public facilities and utilities.
- d. Protecting existing water and sewer systems, transportation, schools, parks, and other public facilities and utilities from being overloaded.
- e. Reducing the danger and congestion of traffic on roads and highways by both limiting the number of friction points, such as intersections and driveways, and minimizing other hazards.
- f. Protecting and enhancing a pattern of streets, highways, bikeways, trails, and pedestrian systems that produces a unified, safe, and efficient system for movement within the City.

- g. Protecting residential streets from degradation by nonresidential traffic.
 - h. Ensuring adequate and safe roads and facilities by limiting land use intensity to the capacity of the roads or facilities.
 - i. Establishing and regulating setback lines along streets and highways, property lines, and drainage facilities.
 - j. Promoting economy in local government expenditures.
 - 4. JUSTIFIABLE EXPECTATIONS AND TAXABLE VALUE.
 - a. Protecting and enhancing the taxable values of land and buildings.
 - b. Protecting landowners from adverse impacts of adjoining developments.
 - c. Protecting and respecting the justifiable reliance of existing residents, businesses, and taxpayers on the continuation of existing, established, and planned land use patterns.
 - 5. ADMINISTRATION.
 - a. Defining the powers and duties of administrative officers and bodies necessary to administer this Ordinance.
 - b. Prescribing penalties for the violation of the provisions of this Ordinance.
- C. This Ordinance is adopted pursuant to the requirements and authority granted to the City of Flagstaff by the Arizona Constitution, Article XIII, and Arizona Revised Statutes, Title 9, Chapter 4, Article 6. et seq. in order to carry out the purposes stated therein.

DIVISION 10-01-004. APPLICABILITY

10-01-004-0001. APPLICABILITY:

- A. GENERAL APPLICABILITY. Except as otherwise provided in this Division, or as provided in Chapter 10-10 (Nonconformities), these regulations shall govern the development and use of land and structures within the corporate limits of the City. No building, structure, or land shall be used or occupied, and no building, structure, or land shall be developed, nor applicable permit shall be issued, unless in conformity with all the provisions of these regulations for the zoning districts in which it is located and other applicable regulations.
 - 1. EXCEPTIONS.
 - a. All projects having received Building Permits or Site Plan Review approval prior to the effective date of this Ordinance shall be permitted to start construction under the regulations in effect when said approval or permit was issued for a period of six (6) months from the effective date of this Ordinance. Once started, those projects proceeding with all due diligence shall be allowed to continue to proceed under the regulations under which they were approved. Site Plan approvals shall be limited to twelve (12) months prior to the effective date of this Ordinance, unless a Building Permit has been obtained.
 - b. All conditional uses that have been approved shall be able to proceed under those approvals provided that they shall have obtained Building Permits for all buildings to be constructed within twelve (12) months of said conditional use approval unless an extension has been granted.

- c. Any addition to or expansion of a lawful conditional use, as defined in Paragraph b. above, shall be permitted only in accordance with the same procedures as those required by Chapter 10-10 for a new conditional use. Any change in a lawful conditional use to a new use shall be permitted only if these regulations classify the new use as a permitted use or conditional use in the zoning district in which said use is located and only in accordance with the approval procedures set forth in this Ordinance.
- d. All projects having received Tentative Subdivision Plat approval shall be permitted to start construction under regulations in effect when said approval by the City Council was granted, for a period of one (1) year from the date of Council approval of the Tentative Plat. However, lots within said approved plats are subject to this Division (10-01-004) Subsection D., Site Capacity Applicability.
- e. On the effective date of this Ordinance, undeveloped areas within previously adopted Specific Plan Areas, such as Woodlands Village, Canyon Del Rio, and Fairfield Flagstaff, are rezoned to comparable new zoning districts as shown on the Official Zoning Map. Conditions of previous conditional rezonings, including but not limited to open space tracts, are still applicable to these and other conditionally zoned properties, and all such undeveloped properties are subject to the provisions of these regulations or the conditions of their conditional zoning, whichever is more restrictive, unless excepted by Paragraph D., Site Capacity Applicability, of this Division. (Ord. 1741, 3-17-92, Ord. 1997, 6-15-99)

Certain sections of the Planning documents of the Specific Plan Areas are still relevant, such as those covering generalized land use, infrastructure, and site conditions (e.g. Woodlands Village Specific Plan), a development concept plan (e.g. Canyon Del Rio Specific Plan), or a density schedule (e.g. Fairfield Master Plan). However, the regulatory portions of these documents, such as the development guidelines, district regulations and parking standards (Woodlands Village Specific Plan), or development standards (Canyon Del Rio Specific Plan) are applicable only if more restrictive than the requirements of this Code, as determined by the Planning Director. Specific Plans adopted subsequent to this Code, such as the McMillan Mesa Village Specific Plan, are in compliance with the Code and any regulations contained therein shall govern development within the Plan area. (Ord. 1997, 6-15-99)

- B. **DISTRICT PERFORMANCE STANDARDS APPLICABILITY.** All development shall meet the standards set forth in Division 10-04-002 excluding development in established development districts as shown on the Official Zoning Map. Residential projects must comply with Section 10-04-002-0003 and nonresidential development with Sections 10-04-002-0004 and 10-04-002-0005. District performance standards are applied to all sites at the time a development plan or subdivision plat is prepared and submitted to the City for review.
- C. **NATURAL RESOURCE PROTECTION STANDARDS APPLICABILITY.** All natural resources defined herein shall be protected by the standards of Division 10-04-003, excluding established development districts (Division 10-02-005) as shown on the Official Zoning Map. Sections 10-04-003-0002 through 10-04-003-0007 specify the standards designed to control specific resource problems and environmental protection standards applicable for the protection of selected natural resources such as floodplains, steep slopes, and forests. Resource protection standards are applied to all sites at the time a development plan, subdivision plat, minor land division map, master plan, rezoning, or annexation is prepared and submitted to the City for review.
 - 1. **EXCEPTIONS.**
 - a. Any legal lots of record located in residential subdivisions approved prior to the effective date of this Ordinance which cannot be further subdivided. (Ord. 1997, 6-15-99)
 - b. Any legal lots of record as of the effective date of this Ordinance which are buildable after floodplain lands are taken into account, but would not be buildable after other resource

standards are applied. See Section 10-04-003-0007 for slope and forest mitigation. (Ord. 1997, 6-15-99)

- c. Individual lots in subdivisions approved subject to the provisions of Division 10-04-003. These subdivisions set forth the areas to be protected in accordance with the provisions of this Ordinance where individual lots may not meet the standards but the development as a whole does, and provided that there is no violation to the areas designated for preservation in the approved plan.

- D. **SITE CAPACITY APPLICABILITY.** The maximum intensity of use in any zoning district is controlled by the maximum intensity set forth in Section 10-04-002-0003 for residential uses and in Section 10-04-002-0004 for nonresidential uses or the provisions of Division 10-04-004, whichever is less. This is not applicable to established development districts (Division 10-02-005).

All developers shall calculate the capacity of the site before the issuance of a Building Permit.

1. **EXCEPTIONS.**

- a. Any legal lots of record in residential subdivisions approved prior to the effective date of this Ordinance which cannot be further subdivided.
- b. Individual lots in subdivisions approved subject to the provisions of Division 10-04-003. These subdivisions set forth the areas to be protected in accordance with the provisions of this Ordinance where individual lots may not meet the standards but the development as a whole does, provided that there is no violation to the areas designated for preservation in the approved plan.
- c. Any legal lots of record on the effective date of this Ordinance in commercial or industrial districts, or approved subdivisions, or nonresidentially zoned lots within an approved Tentative Plat pursuant to Section 10-01-004-0001A.1.e., that are less than the following sizes for those districts specified:

<u>Zoning District</u>	<u>Size</u>
UC	1 acre
SC	20,000 sf.
BP	1 acre
LI	2 acres
HI	5 acres

DIVISION 10-01-005. INTERPRETATION

10-01-005-0001. INTERPRETATION:

- A. Except where it is expressly stated that these are maximum standards and regulations, these shall be the minimum requirements for zoning procedures, standards, enforcement, fees, administration, restrictions, uses, variances, and all other areas addressed by this Ordinance. Whenever any provisions of this Ordinance and any other Ordinance, rule, or regulation impose overlapping or contradictory regulations, the provision which is more restrictive or imposes higher standards or requirements shall govern, so that in all cases the most restrictive provision shall apply.
- B. The jurisdiction reserves the right to amend, modify, or extend the provisions of this Ordinance as may be deemed necessary to provide reasonable service to the public. If, however, a property owner or agent can demonstrate to the applicable official that, because of peculiar conditions pertaining to the land, the literal enforcement of these provisions would exact undue hardship, then the jurisdiction may permit variations from the literal interpretation of these regulations as it deems necessary and reasonable. Any such variance from the

terms of this Ordinance shall be granted in accordance with Chapter 10-10 (Procedures) and/or Chapter 10-09 (Administration) of this Ordinance.

- C. It is not intended that any provision of this Ordinance nor any act by an administrative official or body shall restrict or impair the right of any private or public person to bring any legal or equitable action for redress against nuisances, hazards, or injuries to persons or property.

DIVISION 10-01-006. WARNING AND DISCLAIMER OF LIABILITY

10-01-006-0001. WARNING AND DISCLAIMER OF LIABILITY:

The failure of any elected or appointed official to observe or recognize conditions which are not in accordance with this Ordinance, or such failure to notice violations or omissions of requirements of this Ordinance, shall not relieve an applicant or property owner from the responsibility for the condition or damages resulting therefrom, and shall not result in the jurisdiction, its officers, or agents being responsible for conditions or damages resulting therefrom.

DIVISION 10-01-007. SEVERABILITY

10-01-007-0001. SEVERABILITY:

- A. If any division, section, sentence, clause, phrase, word, portion, or provision of this Ordinance is held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other division, section, sentence, clause, phrase, word, portion, or provision of this Ordinance which can be given effect without the invalid provision.
- B. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this Ordinance to any particular property or structure, or to any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion, or provision to any other property or structure not specifically included in said invalidation.

DIVISION 10-01-008. COMMENTARY

10-01-008-0001. COMMENTARY:

Throughout this Ordinance, subsections prefaced Commentary are included to ensure a complete understanding of the purpose and reasoning of the City in adopting that particular section of this Ordinance. Each commentary is included and intended as an official statement of legislative finding or purpose. The commentaries have been legislatively adopted together with the more formal text of this Ordinance. They are intended as a guide to the administration and interpretation of this Ordinance and shall be treated in the same manner as other aspects of legislative history.

DIVISION 10-01-009. EFFECTIVE DATE

10-01-009-0001. EFFECTIVE DATE:

- A. All Ordinances, or portions thereof, of the incorporated areas of Flagstaff, which relate to zoning, subdivision, and land use which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- B. This Ordinance is hereby enacted and shall be the Zoning Ordinance for the City of Flagstaff and the incorporated area therein and shall be in full force and effect from and after its passage, the effective date being 12:01 A.M., May 9, 1991.